

REMARKS

By this amendment, claims 1, 2, 4, 7, 8, 16, and 22-25 are amended, and claim 21 has been cancelled. The amendments are made to even more clearly recite the claimed invention and do not add new matter and are fully supported by the specification. Support for the amendments to the independent claims may be found, for example, on page 19, lines 11-13, of the present specification. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Foreign Priority under 35 U.S.C. § 119(a)-(d) or (f)

Initially, Applicant notes that the Examiner has not acknowledged Applicant's claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) to Japanese Application No. 2002-357268, as well as receipt of the certified copy of the priority document, which were filed on December 9, 2003. Therefore, Applicant respectfully requests acknowledgement of Applicant's claim of priority and receipt of the certified priority documents.

Claim Objections

The Office Action objects to claims 4 and 21 under 37 CFR § 1.75(c) as being in improper dependent form. Specifically, the Examiner asserts that the claims fail to further limit the subject matter of the previous claim.

Without agreeing with or acquiescing to the objection, Applicant initially notes that claim 21 has been cancelled. As for claim 4, the specification describes the features recited in claim 4 as follows:

Since the effect 511 is displayed on the boundary of the safety zone 510, the players can easily judge the boundary on whether the HPs of their player characters 501-1 to 501-4 decrease. If the player characters 501-1 to 501-4 are out of the safety zone 510, the effect 512-2 is displayed onto the player character. Accordingly, the players can understand whether the HP is decreasing by only seeing the display state of their player characters instead of the status bars 601-1 to 601-4.

When the respective player characters 501-1 to 501-4 move out of the range displayed on the display screen 122 (namely, the range of the field of view of the virtual camera 301), the radar map 513-2 showing the position of the player character is displayed on the display screen 122. As a result, the player can easily understand the position in the virtual three-dimensional space even if his/her player character is not displayed on the display screen 122 (described on page 20, line 25 to page 21, line 9 of the specification and referenced in step S114 of Figure 5)

Therefore, using this radar display feature described above, the display device displays “a predetermined effect on a player character located outside of the predetermined area,” as recited in claim 4. Yet, the display device may *also* display “part of the virtual space with reference to an object,” as recited in claim 1. Therefore, Applicants submit that the scope of claim 1 and claim 4 are not contradictory, as suggested by the Examiner.

Yet, in an effort to advance prosecution, Applicant has amended claim 4 to recite “wherein said display controller further causes said display device to display a predetermined effect on a player character located outside of the predetermined area.” Therefore, Applicant respectfully requests withdrawal of the rejection.

Rejection under 35 U.S.C. § 101

The Office Action rejects claim 25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Without agreeing with or acquiescing to the rejection,

Applicant notes that claim 25 has been amended to recite “a method for executing a video game that advances when multiple players move their player characters in a virtual space” (rather than “a carrier wave having a data signal of a game program”). Therefore, Applicant respectfully requests withdrawal of the rejection.

Rejection under 35 U.S.C. § 112, second paragraph

The Office Action rejects claims 7-9, 12 and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Regarding the rejection of claim 7, Applicant has amended the recitation of “the object” in claim 7 to recite “the second object.” Applicant has also amended claim 8 to recite “a non-displayed area” (rather than “the non-displayed area”). Because the claims have been amended to provide sufficient antecedent basis for these terms, Applicants respectfully request withdrawal of the rejections.

As for the rejection of claim 16, without agreeing with or acquiescing to the rejection, Applicant notes that claim 16 has been amended to recite “said visual axis controller controls the direction of the visual axis towards the position of the object, adjusting the direction of the visual axis of the virtual camera so that the object may be shown,” in order to advance prosecution and clarify the scope of the claims. Therefore, Applicant respectfully requests withdrawal of the rejection.

Regarding the rejection of claims 9 and 12, Applicant submits that the phrase “on-hand display device” is supported by the disclosure of the specification, and the intended meaning of these terms is clear from the face of the claims. The term “on-hand display device” refers to, for example, the disclosed LCD 215 of the portable game apparatus 200

embodiment described in the specification (*see, e.g.*, page 30, lines 26 – page 31, line 6, of the specification). Because portable game apparatus 200 is mobile and operated in the palm of one's hand, Applicant submit that the meaning of the term “on-hand display device” is clear. As the term is supported by an embodiment explicitly described in the specification, Applicant respectfully requests withdrawal of the rejection.

Rejection under 35 U.S.C. § 102(b)

The Office Action rejects claims 1-25 under 35 U.S.C § 102(b) as being anticipated by DIABLO (*i.e.*, the video game, DIABLO, by Blizzard Entertainment of Irvine, CA, Copyright 1996). Applicant respectfully traverses the rejection.

Applicant submits that DIABLO does not appear to disclose “a game controller that changes at least one of a degree of advantage of a game progress and a degree of ease for each player character according to the determined positional relationship of each player character,” as recited in each of independent claims 1 and 22-25.

According to an aspect of the present invention, a video game is disclosed that provides a safety zone (sphere) around a special object (*see* special object 500 in FIG. 6). In an exemplary embodiment, multiple players simultaneously play in a single video game that is displayed on a single display. The video game determines whether any of the player characters are outside the safety sphere. If it is determined that any of the player characters are outside of the safety zone, then at least one of a degree of advantage or of ease of each of the player characters is changed.

In contrast, DIABLO discloses an interactive video game system, where multiple players play simultaneously. During a game progress, a player character is able to

interact with objects that the player character comes across, such as, for example, by picking up a sword.

The Examiner appears to broadly interpret the term “positional relationship” as corresponding to the physical relationship between a player character and an object, with which the player character is able to interact, such as, for example, the item described at page 18 of DIABLO. Moreover, the Examiner appears to broadly interpret the term “at least one of a degree of advantage of a game progress and a degree of ease for each player character,” as relating to the effect, *e.g.*, a weapon will offer the player character if attained and used in battling foes. *See, e.g.*, top of page 6 of the Official Action.

However, the Examiner does not address the aspect of the invention of changing the degree of advantage or of ease of each player character. DIABLO does not disclose changing at least one of a degree of advantage of a game progress and a degree of ease “for each player character according to the determined positional relationship of each player character,” as recited in the independent claims. In other words, Applicant submits that DIABLO does not take into consideration the positional relationship of *each* player character (of the multiple player characters) in relation to the object, much less, changing the degree of advantage or ease for *each* player character, as recited in each of the independent claims. For this reason alone, Applicant submits that DIABLO does not teach or suggest every element of the claimed invention.

Furthermore, Applicant submits that DIABLO fails to disclose or suggest “a display controller that causes a display device to display the object at the center and a part of the virtual space with reference to the object,” as recited in the independent claims and described on page 19, lines 11-13, of the specification.

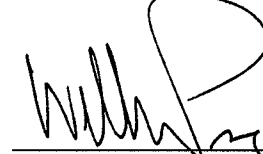
For at least these reasons, Applicant asserts that DIABLO fails to disclose each and every element of the claimed invention, as required under 35 U.S.C. § 102. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted above for the independent claims, in addition to reasons related to their own recitations.

Accordingly, Applicant respectfully requests reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.


CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 19-0089.

Respectfully submitted,
Yuuichi TSUCHIYA



Bruce Bernstein
Reg. No. 29,027



William Pieprz
Reg. No. 33,630

November 9, 2007
Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191
Telephone: 703-716-1191
Facsimile: 703-716-1180